

AGN. NO. _____

June 12, 2012

MOTION BY SUPERVISORS DON KNABE AND MICHAEL D ANTONOVICH

Under the Fiscal Year 2012 State Criminal Alien Assistance Program (SCAAP) application guidelines that the Department of Justice (DOJ) recently released, the DOJ announced that it would eliminate the partial credit (reimbursement) which previously had been provided for foreign-born inmates whose immigration status are unknown, based on the computer match of foreign-born inmate records against the Department of Homeland Security (DHS) immigration data base that used to calculate SCAAP payments to state and local governments.

This is a major change which could significantly affect the percentage share of total SCAAP funding that each jurisdiction will receive, and which should not be implemented without a more detailed analysis of how it would affect the accuracy and equity of calculating each jurisdiction's costs for incarcerating undocumented criminal aliens that are reimbursable by SCAAP. State and local governments also should be provided the opportunity to submit comments on this significant policy change.

- M O R E -

MOTION

MOLINA _____

RIDLEY-THOMAS _____

KNABE _____

ANTONOVICH _____

YAROSLAVSKY _____

This SCAAP claiming issue also raises the issue that DHS has not properly assigned Immigration and Customs Enforcement (ICE) agents to state and local correctional facilities in proportion to the number of potentially deportable criminal aliens that they have. SCAAP claims data consistently has shown that Los Angeles County accounts for a disproportionately high percentage of inmates who are undocumented criminal aliens or of unknown immigration status – inmates who too often are released from custody without being screened by ICE agents. For example, based on the FY 2011 SCAAP claims data, Los Angeles County alone accounted for 8.36% of all undocumented criminal alien inmates and 4.13% of all inmates of unknown immigration status in the U.S. Yet, only a relatively small number of ICE agents are assigned to the County's jails.

WE, THEREFORE, MOVE THAT:

1. A 5-signature letter be sent to the County's Congressional delegation and President expressing opposition to the new policy of eliminating SCAAP reimbursement for foreign-born inmates of unknown immigration status and recommending that the Obama Administration, instead, work with state and local governments to improve the methodology for calculating SCAAP reimbursement; and;
2. A separate 5-signature letter be sent to the County's Congressional delegation and Secretary of Homeland Security to urge that SCAAP data which identifies the number of undocumented criminal aliens and inmates of unknown immigration status be used in assigning ICE agents to state and local correctional facilities.

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